

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:

FENSTER & COMPANY,  
INTELLECTUAL PROPERTY 2002 LTD.  
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49002 Petach Tikva  
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**EINSCHREIBEN**

Date of mailing  
(day/month/year)

02/06/2005

Applicant's or agent's file reference

032/04081

**PAYMENT DUE**

within **ONE MONTH** from  
the above date of mailing

International application No.

PCT/IL2004/001169

International filing date  
(day/month/year)

26/12/2004

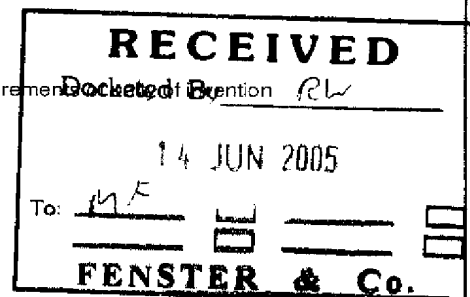
Applicant

ALGOTEC SYSTEMS LTD.

1. This International Searching Authority

- (i) considers that there are 3 (number of) inventions claimed in the international application covered by the claims indicated ~~XXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of Article 17(2)(b) (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXX~~ on the extra sheet:



- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 2 = EUR 3.100  
Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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Authorized officer

Leila Ghaschgaie

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. see 'Invitation to pay additional fees'  
This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	LI R ET AL: "Combining front propagation with shape knowledge for accurate curvilinear modeling" MEDICAL IMAGE COMPUTING AND COMPUTER-ASSISTED INTERVENTION - MICCAI 2003. 6TH INTERNATIONAL CONFERENCE. PROCEEDINGS. PART II (LECTURE NOTES IN COMPUT. SCI. VOL. 2879) SPRINGER - VERLAG BERLIN, GERMANY, 2003, pages 66-74, XP002325788 ISBN: 3-540-20464-4 the whole document	1-72, 86-94
A	SETHIAN J A: "Level set methods and fast marching methods" 'Online! 1999, CAMBRIDGE UNIVERSITY PRESS , XP002325674 Retrieved from the Internet: URL: <a href="http://math.berkeley.edu/~sethian/Books/sethian_book.ps">http://math.berkeley.edu/~sethian/Books/sethian_book.ps</a> 'retrieved on 2005-04-20! the whole document	1-72, 86-94

☒ Further documents are listed in the continuation of box C.

☐ Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

**C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>DESCHAMPS T ET AL: "Fast extraction of minimal paths in 3D images and applications to virtual endoscopy"  MEDICAL IMAGE ANALYSIS, OXFORD UNIVERSITY PRESS, OXOFRD, GB,  vol. 5, 2001, pages 281-299, XP002904305  ISSN: 1361-8415  the whole document</p> <p align="center">-----</p>	1-72, 86-94
A	<p>COHEN L D ET AL: "GLOBAL MINIMUM FOR ACTIVE CONTOUR MODELS: A MINIMAL PATH APPROACH"  INTERNATIONAL JOURNAL OF COMPUTER VISION, KLUWER ACADEMIC PUBLISHERS, NORWELL, US,  vol. 24, no. 1, August 1997 (1997-08),  pages 57-78, XP000703576  ISSN: 0920-5691  cited in the application  the whole document</p> <p align="center">-----</p>	1-72, 86-94
A	<p>WINK O ET AL: "3D MRA CORONARY AXIS DETERMINATION USING A MINIMUM COST PATH APPROACH"  MAGNETIC RESONANCE IN MEDICINE, ACADEMIC PRESS, DULUTH, MN, US,  vol. 47, no. 6, June 2002 (2002-06), pages 1169-1175, XP001170393  ISSN: 0740-3194  the whole document</p> <p align="center">-----</p>	1-72, 86-94
A	<p>MADDAH MAHNAZ ET AL: "Efficient center-line extraction for quantification of vessels in confocal microscopy images"  MEDICAL PHYSICS, AMERICAN INSTITUTE OF PHYSICS, NEW YORK, US,  vol. 30, no. 2, February 2003 (2003-02),  pages 204-211, XP012011984  ISSN: 0094-2405  the whole document</p> <p align="center">-----</p>	1-72, 86-94

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-72,86-94

centerline finding for a tubular tissue in a medical image data set  
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2. claims: 73-80

segmentation of an organ in a medical data set  
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3. claims: 81-85

propagation fo a parametrization in a medical data set  
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No common inventive concept can be established between the the three sets of claims since neither the segmentation of claims 73-80 nor the parametrization propagation of claims 81-85 have any features in common with the centerline finding for a tubular tissue of claims 1-72 and 86-94.

The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of invention, will be the subject of a search.

No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16).

## Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure under the PCT please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. Although no longer obligatory, prior to examination of the protest by the Board of Appeal the EPO will subject the invitation to pay additional fees to an internal review which is free of charge. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month of the date of the invitation to pay additional fees (Rule 40.1(iii) PCT), however, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely** justified **or** the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest, in both cases the protest fee will be refunded.

# Important Information

## General

- the **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the ISR (see Art. 19 PCT)
- non-payment does not lead to a **loss of rights**, a new procedure will be started on entry into the regional or national phase
- any payments have to be effected **directly** to this ISA (account details on separate sheets), payments to other entities will not be accepted
- in case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched
- an **extension of the set time limit** cannot be granted

## Payment by cheque:

- the **date of payment** is considered to be the **date the original cheque is received at the EPO**, under the condition that the cheque is **covered**
- faxed cheques are not considered to be a valid payment
- only payments in EUR are accepted, no equivalents in other currencies

## Payment by money transfer:

- the **date of payment** is considered to be the **date the money is booked** in the EPO bank account
- only payments in EUR are accepted, no equivalents in other currencies

## Payment by deposit account:

- the **date of payment** is considered to be the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**

***note:** if you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying*

## Payment by credit card:

- payments by **credit card** are **not possible**

## Payments under protest according to Rule 40 PCT:

- the protest will **not be accepted without a payment** of additional search fee(s)
- the protest has to be **accompanied by a technical reasoning**